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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,655	06/24/2003	Shigeki Nakahara	1247-0516P	1274

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EXAMINER

NGUYEN, MADELEINE ANH VINH

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/601,655

Applicant(s)

NAKAHARA, SHIGEKI

Examiner

Madeleine AV Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/116,201.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/24/03, 7/14/04, 9/29/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Choi (US Patent No. 5,936,744).

Concerning claim 1, Choi discloses a communication apparatus (Fig.2) comprising storage means (20) for storing an identification signal (telephone number) for identifying a predetermined originating communication apparatus that transmits image data to be transmitted/received, the originating communication apparatus initiating the communications and is permitted to communicate with the communication apparatus (101-102, Fig.3); determination means (10) for determined whether or not the stored identification signal coincides with a received identification signal (103-104, Fig.3), wherein the stored and the received identification signals of the originating communication apparatus are international telephone numbers, (col. 3, lines 33-36; col. 7, lines 10-16) and if the two identification signals coincide with each other, a first receiving operation related to receiving of the image data corresponding to the received identification signal is performed (107, Fig.3), and if the two identification signal do not coincide with each other, a second receiving operation related to receiving of the image data

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corresponding to the received identification signal is performed, but different from the first receiving operation is performed (105-106, Fig.3), (Abstract; col. 4, line 56 – col. 6, line 21).

Concerning claim 2, Choi further teaches that the first receiving operation causes a continuous communication with the originating communication apparatus to be effected so as to received the image data, wherein the second receiving operation causes an immediate end to communication without receiving the image data from the originating communication apparatus (Fig.3; col. 5, line 36 – col. 6, line 5), (claims 2, 9); transmitting means (60, Fig.1) for transmitting the image data to a transferred communication apparatus that is capable of receiving the image data, wherein the first receiving operation receives the image data transmitted from the originating communication apparatus, and sends the received image data to the transmitting means, and wherein the second receiving operation receives and outputs the image data transmitted from the originating communication apparatus (Fig.3; col. 5, lines 5-8; col. 5, line 36 – col. 6, line 5), (claims 3, 8); the determination means extracts an international telephone number of the originating communication apparatus from its identification signal, ((claims 4, 10).

Concerning claim 5, Choi discloses a communication apparatus as discloses in claim 1 above. Choi further teaches an output means for outputting image by a predetermined first output operation or second output operation.

Concerning claim 6, Choi further teaches that the determination means extracts an international telephone number of the originating communication apparatus from its identification signal (col. 3, lines 33-36; col. 7, lines 10-16).

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Concerning claim 7, Choi discloses a communication apparatus as discloses in claims 1 and 5 above.

Concerning claims 11-12, 14, Choi discloses a facsimile machine as discloses in claim 1 above and further comprising a storing means (20, Fig.1) for storing a plurality of telephone numbers for a plurality of predetermined initiating facsimile machines; transceiver section for receiving an identification signal of an originating facsimile machine wherein if the extracted telephone number is found to match a stored telephone number, the transceiver continuously communicates with the originating facsimile machine so as to receive the image data, otherwise, the transceiver immediately terminates the communication or rejects receiving the image data.

Claim 13 is method claim of apparatus claims 1 and 11-12. Claim 13 is rejected for the same rationales set forth for claims 1, 11-12.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Nemeth et al (US Patent No. 6,310,948) discloses a method and apparatus for analyzing international long distance dialing errors and automatically completing a call.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 571 272-7466. The examiner can normally be reached on Monday, Tuesday, Thursday 9:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on 571 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Anh W. Nguyen', written in a cursive style.

Madeleine AV Nguyen
Primary Examiner
Art Unit 2626

October 4, 2005